G. R. S. 59]

GENERAL AN ENUE SECRETARIAT.

1897
~~190~~
(Mysore)

File No. 52

Serial Nos. ~

Papers Filed.

Month April

SUBJECT.

Appeal of Subbaraya Naujappa regarding the payment of enhanced assessment payable on lands belonging to the Sri Narasimhaswami temple at Suggamahalli in the Nagadi Taluk.

PREVIOUS REFERENCES.

LATER REFERENCES.

1896-97

while further orders were reserved
pending the introduction of Regt.
This has been done and the
signal question has been decided
Continue note and put
up for orders

Lee
13.8.17

~~Inf Mis 25.9.1718~~

Inf Pt 7 E 5
17—C

(1)

Memo

Petition No. 542 dated 20th September 1897, from Nanjappa, Shanbhogue of the Sri Narasimha swami temple at Suggenahalli, Magadi Taluk, appealing against an order passed by the Deputy Commissioner of Bangalore District in the matter of the Kandayem payable to the Temple in respect of certain Inam lands of the Institution

And,

Correspondence on the above ending with the Deputy Commissioner's letter No. 1111 dated 12th May 1899.

The facts of the case are as follows:—

In December 1892, a petition was received in this Office from the Dharmakarta and the Shanbhogue of the temple, stating that the marginally noted× Inam lands belonging to the Institution were formerly held by one Játa Char, who was paying annually to the temple an assessment

of 6½ Varahas in cash and was in addition * Rs 17. 9 4ᵉʳ
performing certain services, viz - Palla.KKi
and other Utsavams - in the temple, that on
the death of the said Tatachar his son
Anniah Chár held the lands paying the same
assessment and performing the aforesaid
Utsavams and on his death his brother
Srinivasa Raghavaiyar who has come into
possession of the lands, has been paying to the
temple only the old land assessment of
6½ Varahas, but failed to perform the Utsavams
in question; and praying that the said
Srinivása Raghavá Chár may be now called upon
to perform the Utsavams also, or else pay the
full assessment of Rs 62 - - - imposed on the
lands by the Survey Department during the
late settlement, and that, in default of his
doing so, the lands may be resumed from his
possession and leased out on Kandayam tenure
to others.

2. In the enquiry held by the Sub-
Division Officer of Closepet with reference to
the foregoing petition, Srinivása Raghavá Chár
deposed that his father and brother were,
of course, performing Pallakki Utsavam in
the temple that his brother performed Ksheerábdhi
Utsavam also for 3 years, that he himself maintained

Nanda Deepam in the temple for a couple of years, that all these services were rendered purely of their own free-will, that the lands were not given to him for the performance of the Utsavams but were leased out to his father so far back as 1838 by the Amildar of the then Bhavravanadurga Taluk for a Kandayem of 6½ Varahás which was the amount of assessment on the lands at that time

3 On this the Sub-Division Officer Mr C Raghava Char passed the following order.

X-No 153, dated the 5th September 1893

C'

"The record is forwarded
"to the Amildar. The lessee of the
"land appears to plead that
"his possession is independent
"of the rendering of services
"to the temple When the land
"is classed as Devadaya such
"a plea is untenable If the
"lessee does not give up the
"land at once to the temple
"for being leased out to others
"full assessment will be col-
"lected from him for all the
"years for which he renders
"no equivalent service The

"Amildar should resume the
"land and seek Orders about
"its future disposal."

4 With reference to the above, the Amildar reported that Sreenivása Raghavá Chár on being informed of the Sub-Division Officer's Order, declined to give up the lands and that therefore he had issued orders to the Sheikdar directing that the lands should be taken over under the direct management of the temple, and that Srinivása Raghavá Chár should be prohibited from cultivating the lands in view to their being leased out to others

× No 218, dated 31st August 1894

5 On receipt of the foregoing report, Mr B Gr Krishnaiyar, who was then the Sub-Division Officer, passed an order observing that he read the Ságuvali chit produced by Srinivása Raghavá Chár, that it contained nothing to shew that the lands were given on permanent tenure, that, in fact the Amildar himself had no authority to grant any permanent lease; that the grant of lands for cultivation was, in such cases, subject to the changes brought about by the Survey Settlement and that therefore Srinivasa Raghavá Chár should be called upon to pay to the temple within a period of one month

⊕ No 496, dated 23rd March 1895 (on the other side of D).

the Survey Assessment together with local cess payable under the Survey Settlement with effect from the year 1893-4; that in default, the crops held in amanat should be auctioned and the proceeds credited to the temple funds, and his holding also should be resumed and put up to auction after due publication of notice. The Sub-Division Officer added that the lands in question did not appear to have been given to Srinivása Raghavá Chár for any services in the temple.

6. Against the foregoing order, Srinivása Raghavá Chár appealed to the Deputy Commissioner who set aside the Proceedings of the Sub-Division Officer, on the ground that Kadim tenancy rights were involved in this case and that the question cannot be decided without a regular suit under Section 88 of the Land Revenue Code.

F1
Vide English Order No. 259, dated 15th September 1896.

7. Nanjappa, the Shanbhogue of the temple, has now appealed to Government against the above order of the Deputy Commissioner, and prays that Srinivása Raghavá Chár may be directed to pay to the temple the full assessment on the temple lands cultivated by him as decided by the Sub-Division Officer

Deputy Secretary's remarks:—

Now the points for decision are whether as ordered by the successive Sub Division Officers, the land may be taken possession of from the possessor, because he says that he would neither have the Garudotsavam performed nor pay the Survey assessment, or whether he may be left in undisturbed possession of the land as decided by the Deputy Commissioner.* The question seems to be a complicated one.

To enforce the performance of the utsavam, there is

* Mr. V. N. Narasimmaiyangar

no condition to that
effect in the Sagavali
Chit granted to the
holder of the land
by the Amildar of
the late Bhyravana
-durga Taluk in 1838.
To compel the man to
pay the Survey asses-
ment, the question
of Kadim Tenancy
is raised by the
Deputy Commissioner.
— And to bring it
under the alienation
Rules of 1877 the land
was not alienated
but was given by
an Officer of Govern
-ment for perma-
-nent cultivation
on Shra y

G'

tenure.

10668
8.6.03

Subd to the Deputy
for orders -

6/6/03

There is no evidence in contradiction
that the counter Petr is any thing
more than a Kadeem tenant.
Under Sr 86 the tenant is certainly
liable to pay enhanced rent
"to the extent of the proper full
assessment as fixed and recorded at
a survey". The Sub Div Officer did
no more than express this opinion
and the Dy Comr has thrown it
out on the ground that the procedure
adopted was not the correct one
and that a formal suit should have
been filed - The Tenure is a mozavi
tenure under the management
of Govt and it is not clear how far the
fact circumstance affects the liability
of bringing a suit imposed by Sr 88
of the L. R. Code - It seems to be certain
however that judging the present
possession of the counter Petr by
the liability so clearly imposed upon
him by Sr 86 it (possession)
must be held to be an alienation
to the extent of the difference between
the Survey assst and the assessment
now paid - Such an alienation

Wonedale from the date of the
which is said to have taken place in May 1879.
Survey Settlement, - if the tenant
is not willing to pay the full apps
ment which is liable to pay under
G/ II of Sch. 2 of the Act he is certainly
liable to be evicted under rule B
Section 26 of the Act in Nov 1877.
with the new - and I do not think
that the Court in the Mofussil Dept
should take a suit to pre a Dep
Court in such matters. In the new
now taken this case it seems to
be in the Govt discretion to decide the question
whether the obligation to conduct
ferry services in the temple had
ever attached to the tenure of this
land by the Comm Settlt.

17. VII. 03.

Note.

As verbally directed by the Dewan I have obtained the opinions of the General and Revenue Secretary and of Mr. Chengrashekara Iyer- and these are attached to the Office Note.

The position is clearly described in Mr. Chendrashekara Iyer's Note.

The following points are submitted:-

(1). It does not seem possible to bring the matter under the rules of 1877 as there has been no unauthorized alienation diverting the lands from the object of the grant.

G/

(2). The tenant in the present case cannot be forcibly ejected from the land as he is in possession of it not as a trespasser but by virtue of a lease granted to him by competent authority many years ago. Ejection of a person from anothers property can only be effected by way of self defence which includes defence against trespass with intent to annoy.

(3). The only authorized mode of imposing the enhanced rent allowed by sec. 86 of the L.R Code seems to be by suit before the Deputy Commissioner under S.88

Information has been called for from the Inam Superintendent regarding the actual terms of the grant to the temple.

Subd to the Dewan. M
25/7/03.

11755/27.VII.03

Vide further remarks by the Dewan on Mr. Ramachandra Rayaru Note attached. M

There is no doubt about the right to ~~alienate~~ charge assessment.

The matter of the suit under S 88 is doubtful — as the appeal lies not to Govt but to Ch. Ct.

But why does not the procedure of collecting arrears of revenue be followed? As the property is under Govt Management, the Auth has to serve notice of demand & then enforce recovery. As far as I can see at present there is nothing to prevent this.

To make the procedure still more unobjectionable, any the last two years assessment may be demanded.

18/7/13

Mr. Chandrasekhara Aiyar's
Note

The inam lands in question were leased some fifty years ago; and the representative of the original tenant continues in possession, and does not dispute the right of the temple as superior holder to receive rent from him. The dispute is as to its right to enhance the amount of the original rent. There is here clearly no question of unauthorised diversion of temple lands from the proper object of their endowment; and hence Rule 2 B of the Rules of 17th November 1877 is not applicable.

G1

The tenant in this case is, I believe, a kadim tenant as defined in section 84 of the Land Revenue Code. If so, section 86 applies, and the original rent can be enhanced to the extent of the "proper full survey assessment." But this can only be effected, where the tenant does not agree, by way of suit before the Deputy Commissioner under section 88. The superior holder has no right, under the Code, to enhance the rent except as the result of agreement (section 89), or of a decision by the Deputy Commissioner (section 88).

The superior holder in this case is the temple, which is a distinct entity from the Government. (Else, why make formal grants to such institutions?) The mere fact that the affairs of the institution are, for the time being, managed by Government does not seem to make a difference.

In other words, the temple is not a Department of Government, though it may be managed by one; the case is analogous to that of estates under the management of Courts of Wards; and it is not clear to me how, in the absence of an express enactment to that effect, the ordinary provisions of the Land Revenue law in regard to superior and inferior holders can be held to be inapplicable.

The case of land revenue due to Government by an occupant seems to me to stand on a very different footing, both for the above reason and because there cannot be involved after a survey settlement any dispute as to the assessment to be paid to Government such as arises when a landlord seeks to recover more than the customary rent from his tenant.

The counter-petitioner in this case is not a mere trespasser. He is in lawful enjoyment of the land under a right of tenancy which cannot be disputed, and on terms as to rent which the temple is not in a position to alter without a recourse to a suit under section 88. He cannot therefore be forcibly ejected as if he were a mere intruder whose object was to cause annoyance.

In the event of its being decided to file a suit before the Deputy Commissioner, the temple has to be represented by some one whom Government may appoint for the purpose. The Government is not, I think, (or not necessarily) a party in such case; and the position of the Deputy Commissioner is not that of a subordinate officer of Government to whom Government has to apply for relief, but that of a Court of justice.

I may perhaps add that it will be possible in such a suit to get the rent enhanced with retrospective effect from the date of the revised

survey valuation, since section 90 of the Land Revenue Code gives the Deputy Commissioner the right to make an express direction as to the date of operation of his decision.

M.S. Chandrasekhara Iyer

If, after the passing of the Dy Comrs decision, the tenant refuses to accept the lease in accordance with that decision, the Dy Comr shall pass an order for ejecting the tenant (Sec. 93 – last sentence).

Under Section 96, an appeal from the Dy Comrs decision in such cases lies to the Chief Court.

25/7/03

03.87

This is an important and - practical question which may be framed with the opinion of the Pr – counsel in this matter

28.VII 03

156
Rd 31-7-03.

For my opinion, Kindly see the typed note attached – 29/7/03.

Dear Mr Anandasangaree,

May I ask you to kindly place this supplementary note in the Muppai file, before it goes to the 2nd Cir; & if it has gone to him, kindly send it to the Personal desk.

Perhaps a copy of the printed note quoted by me may also be put in.

I hope you will excuse the trouble. Yours sincerely

M. Chandrasekaran

21.7.75

In connection with the Murpuri case of the Bangalore Dt. on which I expressed an opinion on the 25th instant - I wish to state that my assumption that the tenant was a Kadim tenant was one based merely on statements in the reports submitted to Govt., and that I did not examine this point separately. It may perhaps be possible, after all, to hold that the tenancy was one at-will or some similar kind; in which case I would refer to Govt. Order No 1894-6 Mucs-7-7-95 dt. 18.3.03, as an authority for holding that the land may be resumed from the possession of the existing tenant and leased out to others for a more adequate rent on behalf of the temple. This course may save all difficulty.

3-7-03

This further Note is submitted to H. Councillor to whom the file has been sent.

31/7/03

READ THE FOLLOWING PAPERS—

Government Proceedings No. 208, dated 5th August 1897, passing orders in the matter of alienation of the Inam lands attached to the Sri Channakesavadevaru temple at Balagar in the Tirthahalli Taluk.

Petition No. 1152, dated 26th October 1897, from Nagesa Rao and Rama Rao, complaining against the orders of the Deputy Commissioner of the Shimoga District, resuming the Devadaya Inam lands from the possession of the alienees.

Petition No. 437, dated 3rd September 1900, from Maribhatta, appealing against the order of the Deputy Commissioner, dispossessing him of the Inam lands attached to the temple.

AND—

Correspondence ending with the Inam Superintendent's docket No. 28, dated 11th October 1901.

No. 1894-6—MUZ. F. 7-98, DATED BANGALORE, 18TH MARCH 1903.

ORDER THEREON.—The facts of the case are as follow:—The marginally noted Inam lands situated in the village of Bharatipur and Beksakenchanagadde in the Tirthahalli Taluk have been granted as Devadaya Inam to the Sri Channakesavaswami temple in Balagar. Of these, only the land in Beksakenchanagadde village was in the possession of the temple. Of the lands in Bharatipur, Survey Nos. 24 and 26 were reported to be in the possession of one Maribhatta and the other two, *viz.*, Survey Nos. 28 and 30 were being enjoyed by another individual Lakshminaranappa. These persons, besides paying Jodi on the lands in their possession, were giving annually Rs. 24-10-6 and Rs. 24-8-0, respectively, to the archak, in consideration of their enjoyment of the lands. The archak of the temple petitioned this office stating that the lands yielded an annual income of about Rs. 320, whereas he got only Rs. 49 odd which was hardly sufficient for the proper performance of daily services in the temple and prayed therefore that the lands be resumed from the possession of the alienees and restored to the temple. The Deputy Commissioner also reported that both Maribhatta and Lakshminaranappa failed to produce any evidence to show that the lands in question had been granted to them for permanent cultivation by any competent authority and that they merely pleaded that the lands had been in their possession and enjoyment for several years past. Thereupon the Deputy Commissioner was requested to enquire and report why the lands in question should not be resumed from the possession of Maribhatta and Lakshminaranappa and leased out to others for a reasonable rent on behalf of the temple: and it was also observed that if the holders themselves offered to pay such rents as might be offered by others or deemed reasonable by the Deputy Commissioner, they might be permitted to continue in possession of the lands. The Deputy Commissioner served notices on them accordingly, but as they paid no heed to the same, he resumed the lands from the alienees, in consultation with the Inam Superintendent, and leased them out to others for a period of ten years on terms more profitable to the institution. Against this order of the Deputy Commissioner, Maribhatta and Lakshminaranappa's nephews Nagesa Rao and Rama Rao have appealed to Government.

Village	Survey No.	Extent A.	g.	Assessment Rs	a.	p.	Jodi etc payable to Government.
Bharatipur	24	1	3	21	0	0	
	26	0	20	8	0	0	Rs. a. p.
	28	1	18	26	0	0	37 13 0
	30	0	2	1	0	0	
	Total	3	3	56	0	0	
Beksakenchana-gadde	59	K. 24	C. 7	P. 8	Daya 55	Masa	42 2 10

2. The Deputy Commissioner now reports that Maribhatta seems to have been in possession and enjoyment of the Survey Nos. 24 and 26 for more than 50 years and that in support of his claim he has produced Kulavar Jamabandi Account of 1851-52. As regards Survey Nos. 28 and 30, he states that one Krishnaiya purchased the *Sagacali* Hak in 1886 and that after his demise, Lakshminaranappa and on the latter's death his nephews Nagesa Rao and Rama Rao were in possession and enjoyment of the lands, paying Rs. 24-8-0 to the temple in addition to the Jodi amount payable to Government.

Muzrai, dated 18th March 1903.

3. Thus, it is clear that the Survey Nos. 28 and 30 were alienated subsequent to 1853 and, therefore, the alienation requires to be dealt with under clause B, Rule II of Government Notification No. 266, dated 17th November 1877. The Deputy Commissioner's order resuming these lands under the authority quoted above is accordingly upheld and the appeal rejected.

4. As regards Survey Nos. 24 and 26 :—

Having in view the fact that these numbers had been in the possession and enjoyment of Maribhatta and his ancestors for upwards of 50 years, as reported by the Deputy Commissioner and that in support of his claim Maribhatta has produced the Kulavar Jamabandi Account of 1834-35, Government deem it inexpedient to interfere with the possession and enjoyment of the land by the alienee. A mutchalika should however, be obtained fron Maribhatta to the effect that he and his descendants will continue to pay to the temple as heretofore a sum of Rs. 24-10-6 annually, in addition to the Jodi amount payable to Government. This amount will be paid into the Taluk Treasury and not to the archak. He will get it from the Treasury in the usual course.

5. The Deputy Commissioner is requested to give due effect to the above orders and report the result to Government, for information.

L. ANANTASAMI RAO,
Dy. Secy., Muzrai Dept.

To—The Deputy Commissioner, Shimoga District, returning the vernacular records.
The Inam Superintendent in Mysore.
The Comptroller, to the Government of Mysore.

EXD.—C.R.

1902-03

GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

Dated 18th March 1903

No. 1894-6 / Muz. F. 7-98

Rejecting the Appeal of Nagesa Rao and Rama Rao in the matter of their claims to certain Devadaya Inam lands belonging to the Sri Chennakesavadevaru temple at Balagar, Thirthahalli Taluk, and directing that the survey Nos. 24 and 26 attached to the same temple, be left in the possession and enjoyment of Maribhatta under certain conditions.

SBP—13-4-03—200

Proceedings of the Government of His Highness the Maharaja of Mysore, (Muzarayi),—dated 16th January 1894.

MUZARAYI.

No. 741-50—Muz. F. 60-93, dated, Bangalore, 16th January 1894.

Order.—The Government resolve to republish for general information the following Notification of the late Chief Commissioner embodying the rules sanctioned by the Government of India on the subject of unauthorized alienations of Inam lands assigned to religious and charitable institutions.

A. SREENIVASSACHARLU,
Secretary.

To—The Deputy Commissioners of Districts.
The Palace Controller, Mysore
The Inam Superintendent in Mysore.

NOTIFICATION.

The 17th November 1877.

No. 266.—Under the sanction of the Government of India, conveyed in their letters Nos. 89 R. and 105 R., dated 13th September and 29th October 1877, respectively, the following rules providing for the restoration of Inam lands unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned, are published for general information :—

I. All Inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed :—

A. Where such alienations were made prior to the 31st January 1853 but within 50 years computing the period of possession up to 14th December 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one-half the assessment, the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

B. In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong, within 6 months from the date on which the notice is served on the alienee or alienees, or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the Revenue authorities under instructions from the Inam Superintendent.

C. In the case of a simple mortgage or hypothecation of the Inam lands without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the lands or to treat them as security for the loan advanced.

III. Lands held for 50 years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title-deed granted by the Inam Department to the religious institutions.

IV. The alienations, whether made in favor of disciples of the institutions or others unconnected with it, will be treated alike, and disposed of under these rules.

By Order,
T. CLARKE,
Secretary.

1894.

GOVERNMENT OF MYSORE.

MUZARAYI

PROCEEDINGS.

Dated 16th January 1894.

No. 741-50.
Muz F. 60-93

Directing the republication of the rules on the subject of unauthorized alienations of Inam lands assigned to religious and charitable institutions.

MGCPB—120—30—12—01

Note.

The land in question is a Devadayem Inam attached to a temple. A lease of it was granted to one Tatachar in 1838 by a person in charge of the institution, Viz the Amildar. Tatachar was in possession during his lifetime and he was on his death succeeded first by his son and then by his brother. The assessment payable by the grantee under the original arrangement was 6 Varahas equivalent to Rs.17-9-4. This assessment was at the Survey Settlement which work was effected in 1879 raised to Rs.62-0-0. This enhanced assessment, the occupant declines to pay. Additional obligations apart (such as the performance of certain Utchavams) and which I understand Government in the Muzroi Department do not lay stress upon, the question is whether the person in possession is liable to be summarily compelled to pay the enhanced or Survey assessment, on pain of resumption or of coercive process.

2. If, in this case, it is conceded or presume it has been that the person concerned is a Kadim tenant, it is inevitable that the procedure prescribed in Sections 86,87 and 88 must be followed notwithstanding the circumstance that for administrative purposes, the Government occupies the position of superior holder. In my humble opinion it can make no difference whether the superior holder is a private individual or the Government. The Kadim tenant is called upon to pay an enhanced

enhanced rent. He repudiates the claim. The only remedy open to the superior holder whoever he may be is a suit under Section 88. The law does not, as I understand it, differentiate between one kind of superior holder and another. Nor does it empower the superior holder, even though it be the Government, either to evict a Kadim tenant summarily or to resort to a compulsory process against him. The ordinary relations between Government and occupants of Government land seem inapplicable to a case like this. The Government in this case is to all intents and purposes the agent or proxy of the superior holder, to wit the temple and can claim no higher privileges than the latter.

3. The Rules of 1877 do not apply to cases of this description.

RD 2. VIII. 03
11947

2/8/03

Submitted to His Highness.

H & H
(Vide office notes)

These two cases involve an important principle regarding the procedure to be adopted

(1). to enhance the assessment of a land belonging to a temple in the occupancy of a lessee who has the status of an occupant;

(2). to remove a trespasser from a house said to be the property of a temple.

There are two issues submitted on the part. One is that a regular suit shall be filed, and the other is that the Court in the Mofussil Dept can summarily deal with them.

The matter is in my opinion important enough to be referred to Council; and if His Highness should be pleased to agree with me, the order may be passed without effect.

7.VIII.03

Record of Case submitted for the orders of His Highness the Maharaja.

868

Subject.

Requesting sanction to refer to Council two cases:-

1) Question of the enhancement of assessment of a land belonging to a temple in the enjoyment of a lessee who has the status of an occupant;

2) Question of the removal of a trespasser from a house said to be the property of a temple.

971

Order.

Certainly, to Council

KK 11/7

14/8/03

Take action accordingly.

Circulate.

15/8/3

Matter for Council Meeting.

Subject.

(1) Whether the lessee of a Devadaya Inam land, who has the status of an occupant, can be Summarily compelled to pay the enhanced Survey assessment thereof, on pain of resumption or of coercive process, or whether a Suit should be filed under Sec: 88 of the L. Rev: Code.

(2) Whether the occupant of a house belonging to a Muzarai temple can be Summarily evicted by Govt, or whether a Suit should lie to the Civil Court.

Circulate to Councillors.

By Order,

Secretary.

19-8-1903

Name.	Remarks by the Councillor.
V. P. Madhava Rao, Esq., C.I.E., First Councillor. Sent on 19-8-03 Received on 19-8-03 night	21/8/1903
C. Sreenivasiengar, Esq., Second Councillor Sent on 24/8/3 Received on 24-8-3 night	Seen 25/8/03 C.

MGCPB—300—2. 11. 1

27.III

This was before Council on the 8th September 1903. and the Dewan directed the record being sent again to the Councillors for their opinions.

Submitted to the 1st and 2nd Councillors accordingly.

H.W.
7.10.1903.

Rd 10/9/03
(461)

C.128
22-10-03
(regd)

See typed memo for opinion
H 20/10/1903

Herewith a typed Memo containing my opinion. C Krishnaswamy
23/10/03

I have inserted a longer note to explain my ~~Slip~~ short note on a slip of ~~the~~ 18th.
H.W.
24/10/3

To the Dewan.

13556
24.10.03

Note

The lands are admitted to have been leased for a Kandu ya of 6½ Kurahas by the Amildar to one Patacher in 1838. There seems to be no question that the present holder is a Kadim tenant. Under S.84 Rev Code, he gets all the rights which are conferred by this Regulation on ~~a~~ holder of hereditated land. The right to perpetual tenancy at the same rate is not included in this; and so under S.86, the tenant is legally liable to pay enhanced rent at the Survey Rate.

S.88 says that any person entitled to enhancing rent may bring a suit before the Dy Commr = Does

thus preclude the enforce-
ment of the demand in
any other manner? S.97
empowers the Dy Commr
to render assistance, pro-
vided the claim is made
~~for~~ within the year for
which rent is claimed &
is based (as in this case)
on the records of a Revenue
settlement. S.99 gives
power to Govt to Commissn
the holder to ~~seco~~ attach
land for arrears, & S.103
limits such powers & rent
of the current + previous
years. I suggested in
my short note (though
with diffidence) that the

claim to rent of five
years might be
forfeited; and that
proceedings might be
instituted in either of
these ways.

However there seems
to be no strong reason
why the Port should not
file a suit either in a
matter of this kind.

24.10.1903

H. Maniam

The question for consideration is whether Government in the Muzeroyi Deptt. can proceed without having recourse to a Court of competent jurisdiction in the one case to enhance the ent of a Kadim tenant in an alienated village the property of a Muzeroyi institution and under the manage--ment of Government, and in the other to resume summarily the possession of a house belonging to a muzeroyi temple from its pujari or his alienee . I am unable to ac--cede to the proposition that the Govt. can deal with these cases as if the lands were unalienated lands and the house the property of Government .

The Muzeroyi institutions are legal persons capable of holding property and are distinct from Govt. The mere facts that some land or money grants have been made by Government towards the object of the institutions, or that the institutions themselves and their pro--perties are in the management of Govt. cannot make any difference in their charac--ter as legal persons enjoying an existence separate from Government .

In the management of these ins--titutions, therefore, the Government should be considered to be acting as agents or trustees, and as such can claim no greater powers or privileges than the institutions themselves possess . Any other view would appear to conflict with the history of many of these institutions and with the method Government have all along adopted in deal--ing with religious or charitable institutions

founded and endowed by private persons or bodies with the management of which Govt. do not interfere and when such management is assumed by Govt. it is only done at the special request of the endowers or donors.

In the above view it appears to me that the only lawful course is for the Dy. Commissioner or any other officer that may be appointed by Government for the purpose to seek such remedy as may be open to the holder of an alienated village in the one case or to an ordinary land lord in the other .

In the first case a regular suit against the kadim tenant should be laid before the Dy.Commissioner under sec--tion 88 of Land Revenue Code . A suit of the kind is not necessarily objectionable as the Dy.Commissioner in the Revenue Dept. and the Dy.Commissioner in the Muzeroyi De--partment are two distinct persons . I may state in this connection that section 120 which contemplates only a temporary manage--ment of an alienated village is not appli--cable to a case of the kind in question .

In the second case the Dy.Commi--ssioner or any other accredited manager of the institution should lay a suit before a competent court of civil jurisdiction to evict the pujari or his alienee from the house . A similar point was raised in 187? when the opinion of Government was sought on a reference " whether Government might use summary procedure in order to recover on behalf of a temple money due on a bond

bond the enforcement of which was barred by the Limitation Act " . The Chief Com-missioner was of opinion " that Government could not exert its authority in the manner indicated and that the determination of claims of that nature vested with the Civil Court (vide page 11 printed Muzeroy Memorandum) .

The opinion appears to me sound and I do not see any reason for departing from it .

20th October 1903.

Memo.

I am thankful to the Dewan for again giving me an opportunity of recording my opinion.

There are two questions involved, Viz, (1) whether coercive measures can be adopted against a Kadim tenant of a Muzrai temple Inam who declines to pay an enhanced assessment, and (2) whether a man who is in possession of a house belonging to a Muzrai temple can be summarily evicted therefrom.

On point No: 1, I have already given my opinion (vide my note dated 2.8.1903). To that opinion, I beg now to adhere. Government ~~as such~~ as such is a separate entity from Government as the manager or trustee of a Muzrai or other charitable institution. In the latter capacity, it is in no better position than any other superior holder and is not therefore entitled to have recourse to summary action. The present case is simply this. An Inam land is leased to a certain individual on a fixed rental. Admittedly that individual is a kadim tenant. ~~who refuses~~ The superior holder after some considerable time demands an enhanced rent from the Kadim tenant, who refuses to pay it. What difference does it make whether the superior holder making the demand is Government in its representative capa-

capacity or a private individual? In either case, the procedure prescribed by the Revenue Regulation should, I respectfully submit, be observed be the inconvenience attendant thereon what it might. It is possible that there have in the past been a few cases of Government stepping into the shoes of Inamdar otherwise than under the Regulation and exercising as against inferior holders a higher power than what ~~by~~ law such Inamdars as superior holders could ~~legally~~ claim. But now that the question has been raised, I do not think the position claimed for Government is incontestable. The law has provided a machinery a supersession of which does not seem valid.

Point No: 2 on which I am expressing my opinion for the first time is also one on which I am inclined to think that no remedy is possible otherwise than by a resort to a competent court. It is essentially a question between A and B, Government being the former ~~notwithstanding~~. No other position seems legally incontrovertible.

The questions raised being very important and their decision either way being likely to have far reaching consequences, it would perhaps be advisible to take competent legal opinion before proceeding further in the matter.

23/10

23-10-03

Submitted to His Highness.

These two files have already been once before His Highness in August 1903, when the two questions noted below were ordered to be referred to Council:-

(1) Whether coercive measures can be adopted by Government against a Kadim tenant of a Muzrai temple inam, who declines to pay an enhanced assessment;

(2) whether a man who is in possession of a house belonging to a Muzrai temple can be summarily evicted therefrom.

On both the questions, the Councillors have expressed the opinion that as matters stand at present no remedy is possible, except by resort to a competent Court.

The two cases now before Government, viz., (1) the increase of assessment payable to the Bagenahalli Narasimhaswamy temple on certain inam lands belonging to the temple and (2) the alienation of a house and backyard belonging to the Sri Anjaneyaswami temple at Kaniyar (Arkalgud Taluk), may be directed to be decided in accordance with the view expressed by the Councillors.

In this connection, I beg to state that notwithstanding the ruling given by the Chief Commissioner in 1873, summary processes appear to have been adopted in subsequent years in cases of the kind now under notice. In the days of Tippu Sultan and Krishna raja Wudaiyar III as well as in the early years of the British administration, when the differentiation between revenue and judicial processes had not been as marked as it became in later years, reference to Courts does not seem to have been the rule. In any case, a speedier and less costly method of dealing with such cases is highly desirable, if the endowments of the temples are to be conserved against the greed of unscrupulous persons into whose hands the properties may happen to go. If approved by His Highness, this aspect of the question will be taken up for consideration in the Legislative Branch and a draft Regulation prepared, if found advisable.

16 III 06

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

23.3.06
774

Opinion as regards the disposal of the two cases ordered to be referred to Council:-

(1) Question of the enhancement of the assessment of a land belonging to a temple in the enjoyment of a lessee who has the status of an occupant;

(2) Question of the removal of a trespasser from a house said to be the property of a temple.

Order.

26.3.06
721 771

Approved

~~K R W~~

24/3/06

Officer for draft

K R 27/3/06

ordered

25.11.06

Drafts submitted

MYSORE DEWAN'S OFFICE

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 542
dated 20th September 1897 received at the
Dewan's Office from Shambhagowda ~~Nanjappa of Suggavanahalli~~
Temple in Magadi Taluk,

is forwarded, together with its one
enclosures, to the Deputy Commr
Bangalore District, for
~~transmission of the records~~
connected with the Appeal

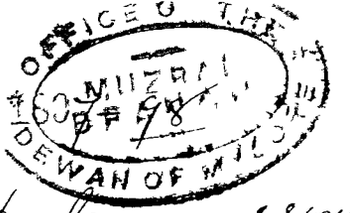
By Order,

Muzrai Secretary.

BANGALORE,
20/9/1897.

Mysore Govt. C. Press, Bangalore.—17-12-92.—500.

Gen. 34]



From The Dy Commissioner
Bangalore District.

To The Secretary to the Govt.
of Mysore
Muzrai Department.

Dated 4th } January 1898.
Despatched 5th }

Received

General No.
D No. 879.
Enclosure No. 1 & 2

Muz: Secys: Offl Memo No. 428
of the 29th September 1897.

Submits the entire Record
connected with the Appeal
of Shanbogue Nanjappa
of Suggunahalli Temple
in the Magadi Taluk.

a1 5-1-98

Report

Bangalore District.
Dy Commissioner's Office.
Bangalore 4th January 1898.

D. No. 879.
Sec. 1 file

To

The Secretary to the Government
of Mysore,
Muzrai Department.

Sir,

With reference to your official memorandum No. 428 dated the 29th September 1897, forwarding a petition from Shanbogue Nanjappa of Suggunahalli Temple in the Magadi Taluk, I have the honor to forward herewith the Records referred to therein.

2. The two enclosures received with the memo under reply are herewith returned.

I have the honor to be,
Sir,
Your Most Obedient Servant,

Dy Commissioner

MVS

MUZRAI.

189 8

From

The Secretary to
Government of Mysore

To

The Dy Commr
Bangalore Dt

Dated 17 Jan.y

Despatched 18

Received

General No 874

Muzrai No

Enclosure No 1 to Letter

His no 879 of 4th January 1898, Submitting the records relating to the appeal petition of Shambhogal Nanjappa in respect of the rent due to the Sri Narasimhaswami temple at Suggenahalli Kasba Taluk, on one of the temple lands

From the Govt

Mysore

Duration and terms of the lease

How long time is the present occupant in possession of the land

4 The amount of rent paid to the temple by the occupant - Kind Cash -

3 Name of the occupant

2 Survey Sett.t No Extent Assd

Deeds No

1 Folio No

From the Samasthan Village

the temple is endowed with the marginally noted inam lands. The appeal under adverence is with reference to the rent payable to the temple in regard to only one of those inam lands, viz, Sur: No. 101 Dry.

2. The Dy Comm^r is requested to submit for reference a statement as per form annexed shewing whether all or how many of these inam lands are ~~several~~ under cultivation, what income the temple gets from each and how each has been assessed at the Sur: Settl^t. An early reply is requested.

3. The Revenue Papers are herewith returned for reference

By order

Asst Sec^y

Old Sur No 5 Dry:- 2, 5, 8, 14, 22, 28, 47, 48, 56, 62, 65, 66 — 67, 68, 69, 70, 71, 72 and 101 Style sheet — Wet:- 2, 89, 96, 98, 83, 97, 102, 103, 104, 107, 108 — 109, 100, 111, 114 and 15. . . . . } K. R. P 3-0-0 / 4-0-0 / 7-0-0.

Berik Rs 38-15-0 " 34-14-7 Rs 73-13-7

1898-99.

From The Dy. Commissioner, of the
Bangalore District.

To The Secretary to the Govt.
of Mysore

Dated 12th } Muzrai Department.
Despatched 15th May 1899.

Received

General No.
No. 1111.

Enclosure No. 1 & file

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 15-5-99
REG. No. 637
MUZRAI BRANCH

Muzrai Secy's docket No. 884
dtd 17th January 1898

Submits records with statement of Inam lands enclosed to Sri Narsimha Swami temple at Suggunahalli, Magadi Taluk in re the disposal of an appeal petition of Shambhoga Nanjappa about the rent payable to the temple on one of the Inam lands.

Bangalore District
Dy. Commissioner's Office
Bangalore 12th May 1899.

D. No. 1111

re: 1 a file.

To

The Secretary to the Government
of Mysore,
Muzrai Department.

Sir,

I Adverting to your docket No. 884 of the 17th January 1898 calling for a statement of Inam lands endowed to Sri Narsimhaswami temple at Suggana-halli, Magadi Taluk, in the disposal of an appeal petition of Ranbhogue Nanjappa, about the rent payable to the temple on one of the Inam lands I have the honor to submit herewith the required statement with the vernacular Records of the case.

I have the honor to be
Sir
Your most obedient servant

[signature]

for Dy. Commissioner,
Bangalore District.

MWS

MUZRAI SECRETARIAT.

19 —19

From

L. ANANTASAMI RAO, Esq., B.A.,
DEPUTY SECRETARY TO THE
GOVERNMENT OF MYSORE,
MUZRAI DEPARTMENT.

To

The Superintt of
Inam Settlements

Dated 28th July 1903.

Despatched

Received

General No. 269
Muzrai F. No. 41-98

Enclosure No. -

Has the honor to request
to be furnished with a
copy of the detailed Inam
Regr. pertaining to the
Grant of the inam lands
endowed to the Sri Nara-
-Simhaswamy temple
at Suggunahalli, Nagadi
Taluk. The inam lands
~~are situated~~ The inam

lands are situated in
Suggenahalli and its
Dakkale Dasanapalya.
Kenkeri and Kulikal
villages in the said Taluk.

By order
27/7/03
Dy Secretary
Mines Deptt

27/7/03

1903

ORE GO /E

180

From

THE SUPERINTENDENT OF
INAM SETTLEMENTS IN MYSORE,
BANGALORE

To Deputy
THE SECY. TO THE GOVT. OF MYSORE,
Mugrai ~~Gen. & Rev.~~ DEPT.

Dated 4th
Despatched 5th August 1903
Received

No. 23 of 1903-04

Enclosure No. Three

As requested in his docket No. 2269 of the 28th July 1903 has the honour to forward herewith, copies of inam registers pertaining to the lands enjoyed by the Sri Narasimha Swamy Temple at Suggana halli Inaga Taluk.

Superintendent of Inam Settlements in

03.

Subd to the Dewan in continuation of the Suggenhalli case, now before him — Ll 17/8/03

12273
18.8.03

Submitted to D.S. Secretary.

This file to gether with another file in which the question of the removal of a trespasser from a house said to be the property of a temple, were involved, have been re-submitted to the General Secretary on the 17 instant, for being placed before the Council, as ordered by His Highness —
19.8.03.

Then, this also should be placed with the file concerned Ll 19/8/03

MGCPB—

Copy of the **Register of Inams in the Village of** Suggaon a hulli **in the**

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No and name of field or fields comprised in the grant Dry, wet or garden	Extent. Local measure Even where the local measure is in acres, goontas, and annas, it is to be entered in this column	Extent. Measure in acres and their fractions in decimals
1	2	3	4	5
Title Deed No 934			Rubber Jamma account of 1862	
3.	Devadaya	Dry Nos 2 5-8-14 22-28 47-48 56-57 62-65 66-67 68-69 70-71 72-Total	Kunstnaray 4-6-0 3———	
		Appa trees	101	

Sammat of Hullukodlu **in the Taluk of** Mangalore

		DESCRIPTION, TENURE AND	
Old assessment.	Survey assessment.	Description of Inam	
Where no survey has been made and no assessment fixed by Government, the cess paid by the ryots to the inamdar, or the average assessment of similar Government land, should be entered in column 7.		If for service, it is to be stated whether the service is continued. If for tanks, buildings, &c., whether they are efficiently kept up. Hereditary or for life.	Whether free of tax, &c., or liable to quit rent, *i. e.*, jodi, &c., amount of latter to be entered.
6	7	8	9
		For the support of Narasimhaswamy and Mastheswara Swamy Temples in the village, which are for ever Inamdar certificate, and no interference on part of Government, and Kanike Rennue is performed as the order, and Kanike Rennue is performed as the former, and every Kartika Cutter.	Free

Or Y.V. Bonds Rs 16-0
Rent - 11-0 - 32-0
Rupee trees 2-4-0 — 6-15-9
13-4-0 — 38-15-9

DOCUMENT IN SUPPORT OF THE INAM	
By whom granted and in what year	Written instruments in support of the claim, original sunad, all miscellaneous documents, and other proofs of long possession In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, &c, and the general specification of terms of all documents produced should be given
10	11

of

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND		
Name of original grantee	Name entered in the register prepared by Poorniah up to 1810.	Name entered in the accounts subsequent to 1810.
12	13	14
	Anzur Jary account of 1802 Total Candy C-K P O. 7-V Dry 1-10-n — 11——n wet 2-10-n — 15——n 4——n 26——n Price of Rice Reeds — 2-4-n Total 28-4-n Rood & Annually Narasimmadewan Village Particulars not given.	Anzur Jary account of 1812 Narasimma Dewan Mootharoya Kuttaroy C-K P Dry — 3——n 11——n Rice Trees No 101 — 2-4-n Total — 3——n Trees — 101—— 13-4-n Jamee —— 13-4-n Anzur Jari account of 1832 Same as above Rice Tope.

of the

OF SUBSEQUENT AND PRESENT HOLDERS.

Particulars regarding present owner. If the Inam has been subdivided, the name, &c. of each sharer should be entered in the columns			
Residence, name and age, &c	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year.
15	16	17	18

Soobajan Lolly
Narasimma Devanay
Moottaroya
Manager protem

certain Villagers
temple disputing the rights
= Sattalhary who have the
of maluersation of the produce of Devastan
paying the archk his fixed Emoluments to
in a Manner beneficial to his own interests to Insisted
the Servants and Ryots in the Cultivation of the Archanya
it was manifest from that the Shanbogue of the Village, whose
was at the bottom of the petitions some Servants were evidently
as a remuneration for their Services, the rest are under the
act stipulating a certain payment to the
than upon of the receipt and disbursement of the Grain.
no proper portions in the fields admitted by him to have
occupation of son

Division.

LENGTH OF POSSESSION.

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation.	~~Review by the Special Assistant and confirmation by the Inam Commissioner.~~
19	20

1. Ahle case.—
2. Valid under the Rules.
3. Amount Jam account of 1812 adopted
4. Total Ottar 8—— C K—P 7—V
   Tiptrees-101 28—4——

Zemindars / Narasimmaswamy & Mootharayaswamy

	Name of the Village	Description	Extent	Bench	whether Jari or not	Jodi	Proportion of Land Rent	Case No	Register Sheet No
A	1 Soroggunhalle	Dry	3 — —	32 — —	Jari	Nil	- -	3	71
	Tippa Trees	101	— — —	6 15 9					
B	2 Kankere	wet	4 — —	34 14 7	- 00	— 00		4	72
C	Hoolikal	wet	1 — —	8 11 8	00	— 00		7	81
	Grand Total	—	8 — —	82 10 —	- -	- -	- -	-	-
	Trees	101							

5 The Zeily Narasimmaswamy is also called Ramyan atthe swamy as per local tradition.

6. Petitions Reed Nos 8, 106, 109, 341 & 387 have been received from of Kankere & Ruggunhalle, Stanacks and other Remantos of the of the Managers, Kuntumma & his Son Narasimma - management of the Institution, and accusing them Lands, usurpation of those belonging to other Servants, not prospering and generally administering the affairs of the Temple this Village and Renewal Lands belonging to the Temple in pursuit - and manager. From the Enquiry made on the spot influence has been diminished, by that of the manager much dissatisfied. Excepting those Lands assigned to the Servant Pagoda to meet its Car festival Expenses & the like. There was It was not altogether without truth that the manager had the been assigned to the Stanacks.

The

(19 Col: Contd)

There is no Pymaish account in the Taluk records, or any Jasdak Patty shewing the distribution of the temple lands among its servants. I could not bring myself to place much reliance upon that produced by the Shanbogue. In this, an Enamdar is entered as an assignment to the Shanbogue for his services to the Temple - The Manager says that the Shanbogue had no Enam according to old accounts - Ans. I observed, there was confusion & no reliable accounts to go by.

The manager holds his position for many years past & is the Superintendt of the affairs of the Devastam. and recognized as such - It is a fact that he has done much at his own expence, and private contribution to the benefit of the Devastam, in improving its status & introducing regularity & order in the performance of services, but whether he discharges his trust with respect to the landed property of the temple in a proper manner or not is a matter which has to be settled by competent revenue officers. The temple is in good order & services properly performed.

7. The temple has an assignment in the Jain accounts of 2-4 as the value of the Arppe trees, the fruit of which is appropriated for the use of the Jain Gurus. These trees being situated on the numbers of land, viz - 62, 65, 66 & 67, they have been included as Jain numbers.

8. To be confirmed, free of tax under Rule V. one Title Deed. -

(Signed) T. Srinivassinger
Asstt
13/1/77

(Col 20)

1. Asle and 2 Dakle, Dwadya - Jain -
2. A Confirmed free -
3. The Complainants against the manager to be referred to the Deputy Commissioner -

(Signed) Robt Cole
Supt of Inam Settlt
22/2/77

Compd

Inam Supt's Office
Bangalore
4th August
1903

"Copy"
D. Supt
Supt of Inam Settlt

Register Sheet No. 72

Taluk Nagara

Hobli. Hullikallu

Village. Kenkere

Copy 7 — **Register of Inams in the Village of** Kenkere **in the**

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village.	General class to which the Inam belongs.	Survey No. and name of field or fields comprised in the grant. Dry, wet or garden.	Extent. Local measure. Even where the local measure is in acres, goontas, and annas, it is to be entered in this column.	Extent. Measure in acres and their fractions in decimals.
1	2	3	4	5
(I. D. No 929)			H. Jary account of 1812	
4	Dwadasya	wet Nos: 83-97-102-103-104-107-108-109-111-100-114-115-2-89-96 and 98	Krishna Raj K. C. P. L —o—	

Sammat of Hulikallu **in the Taluk of** Magadi

		DESCRIPTION, TENURE AND	
Old assessment.	Survey assessment.	Description of Inam.	
Where no survey has been made and no assessment fixed by Government, the cess paid by the ryots to the inamdar, or the average assessment of similar Government land, should be entered in column 7.		If for service, it is to be stated whether the service is continued. If for tanks, buildings, &c., whether they are efficiently kept up. Hereditary or for life.	Whether free of tax, &c., or liable to quit rent, *i. e.*, jodi, &c., amount of latter to be entered.
6	7	8	9
Beris P. F. V 12 — —	L as P 34 - 14 - 7	For the upkeep of Narasimhaswamy and Anathaya - Swamy temples in Long Gavarakalli village, which are annicks, certificate and very inspection are in good order. Daily service is performed in the former and Sunday (Nahivay) in the latter.	Free

in the District

DOCUMENT IN SUPPORT OF THE INAM.

By whom granted and in what year	Written instruments in support of the claim, original sannad, all miscellaneous documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, &c., and the general specification of terms of all documents produced should be given.
10	11

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poorniah up to 1810.	Name entered in the accounts subsequent to 1810.
12	13	14
	B 6+7 H. J. account of 1802 Soogganahalli Narasimharaiengr. Stal Candy C.K.P P.F.V Dry 1-10-0 11-0-0 Wet 2-10-0 15-0-0 4-0-0 26-0-0 Price of Hiffe tues 2-4-0 Total 28-4-0 Villagewar particulars not given.	B.11 H. J. account of 1812 Narasimha Devaru Moottaraya Krishnaraj C K.P P.F.V Wet 4-0-0 12-0-0 in this village B.4 H J account of 1832 Same as above

of the

OF SUBSEQUENT AND PRESENT HOLDERS.

Particulars regarding present owner. If the Inam has been subdivided, the name, &c., of each shareer should be entered in the columns			
Residence, name and age, &c	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year.
15	16	17	18
Soogganahally Narasimhasvamy Moottaraya .. Managers protem			

Division.

LENGTH OF POSSESSION.

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam, Assistant's opinion and recommendation.	Review by the Special Assistant and confirmation by the Inam Commissioner.
19	20

+

1. Dakli case b in Asli case A
Nos: 3 of Dongavakalli in
Register sheet No: 71

2. Hujur Jamabandy 1812
adopted.

3. To be confirmed free of
tax under Rule IV.

Cdd S. Srinivasayya
11.1.77

Accepted
AB

Inam Superintendent's Office
Bangalore 4th August 1903

1 Vide Asli Div J.

2 Confirmed free.

(Signed) Roberts Cole.
Superintendent
16.2.77.

Copy

Superintendent, Inam
Settlements in Mysore.

Register Sheet No 81

Taluk — Magadi

Hobli — Kallkallu

village — Kallikallu

Copy of **Register of Inams in the Village of** Hulikallu **in the**

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No and name of field or fields comprised in the grant Dry, wet or garden	Extent.	
			Local measure. Even where the local measure is in acres, goontas, and annas, it is to be entered in this column	Measure in acres and their fractions in decimals.
1	2	3	4	5
7	Devadaya	wet No 153	H. Jari account of 1812 Kushwaraj K. C. P	

I. D. No 904

Sammat of Hulikallu in the Taluk of Magadi

		DESCRIPTION, TENURE AND	
Old assessment.	Survey assessment.	Description of Inam	
Where no survey has been made and no assessment fixed by Government, the cess paid by the ryots to the inamdar, or the average assessment of similar Government land, should be entered in column 7.		If for service, it is to be stated whether the service is continued. If for tanks, buildings, &c., whether they are efficiently kept up. Hereditary or for life.	Whether free of tax, &c., or liable to quit rent, *i. e.*, jodi, &c., amount of latter to be entered.
6	7	8	9
Rs as P 8-11-8		For the support of Narasimha alias Ranganatha devaru and Puttaraya of Temples at Byramakki, which are as per annil certificate in good order and hope performed twice a day and Saturday respectively	Free

DOCUMENT IN SUPPORT OF THE INAM	
By whom granted and in what year	Written instruments in support of the claim, original sunnad, all miscellaneous documents, and other proofs of long possession In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, &c., and the general specification of terms of all documents produced should be given
10	11

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poorniah up to 1810.	Name entered in the accounts subsequent to 1810
12	13	14
	B. 6 & 7 H. J. account of 1807 Sugnahalli Narasimhaswamy Stal Kandy village war inl Dry 1.10 11—0 Wet 2.10 15—0 4 - 26—0 Hiffe seedspice 2-4—0 28-4-0 To Cole Bay marsh Inl	B. 11 H J account of 1812 Sugnahalli Narasimha swamy & Ranganna Kuthuraj Khandy Hulikal village Wet 1—0 3—0 8 4 H. J account of 1813— as above.

of the

OF SUBSEQUENT AND PRESENT HOLDERS.

Particulars regarding present owner. If the Inam has been subdivided, the name, &c., of each sharer should be entered in the columns			
Residence, name and age, &c.	Relation to original grantee or subsequent registered holders.	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year.
15	16	17	18
Sugnahalli Narasimha alias Ranganathaswamy and Innarayaswamy. Managers protem			

Division.

LENGTH OF POSSESSION.

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation.	Review by the Special Assistant and confirmation by the Inam Commissioner.
19	20

X

1. Dahli case C in asli case A No: 3 of Sugnahalli Village Register Sheet-No: 71

2. The extent in column 4 be confirmed free of tax. under Rule IV.

(Signed) T. Srinivasaiya
24.11.76

1. Vide Asli - Dharwar Jain

2. Confirmed free.

(Signed) Robert Cole.
25.1.77

Copy

Compared

Inam Superintendent & Inam settlements in Bangalore 4th August 1903

(3 Draft)

(Draft as per H. H's orders)

Mysore.

Read:-

Petn no 542 dy 20th Sept. 1897 from Ramjappa, Shanbhogue of the Sri Narasimha Swami temple at Suggenahalli Magadi Taluk, appealing against an order passed by the Dy Comm. of the Bangalore Dt. in the matter of the Kandaya payable to the temple in respect of certain inam lands of the institn.

Correspondence on the above ending with:-

Letter no 1111 dy 12th May 1899 from the Dy Comm., Bangalore District.

The following are

d 28th January 1901 from
the late Curzeri Superintt
and Secretary.

"In Extenso"

No. 4510-21 D/7.4.06.
One file.

Order thereon:—

The land in question
is a Devadaya inam attached
to the temple. A lease of it
was granted done Tatachar
in 1838 by the person in charge
of the institution, viz- the
Amildar. Tatachar was
in possession during his life-
time and he was on his death
succeeded first by his son
and then by his brother.
The assessment payable by
the grantee under the original
arrangement was 6 Varahas
equivalent to Rs 17-9-4.

This assessment was at the Survey Settlement which took place in ~~1880~~ 1879 raised to Rs 62-0-0. This enhanced assessment, the occupant declines to pay. The question is whether the person in possession is liable to be summarily compelled to pay the enhanced or Survey Assessment, on pain of resumption or of coercive process.

2. The Municipal institutions are legal persons capable of holding property and are distinct from Govt. The mere fact that loans land or money grants have been made by Govt. to a

the object of the institutions
or that the institutions
themselves and their properties
are in the management
of Govt., cannot make any
difference in their character
as legal persons enjoying
an existence seperate from
Govt. In the management
of these institutions therefore,
the Govt should be considered
to be acting as agents
or trustees, and as such they
can claim no greater powers
or privileges than the institutions
themselves possess. In the
above view ~~of the case~~ the Govt observe
that the only lawful course

is

is for the Dy comm^r, to seek on behalf of the temple, to seek such remedy as may be given to the holder of an alienated village. ~~[illegible]~~ The Govt. of H.H. the Nawab therefore direct that a regular suit against the Khadim tenant should be laid before the Dy comm^r under Sec. 88 of the Land Revenue Code. A suit of the kind is not necessarily objectionable as the Dy comm^r in the Rev. Dept^t & the Dy comm^r in the Rev. Dept^t are two distinct persons.

persons. The records
accordingly
will be forwarded to
the Dy Comm. for his taking
needful action on the
lines noted above.

1/4/06

H.H.'s orders) Legislative Dept. — Submitted
Matter to be printed
Yes H

H 2s 31/3/06
To the Dy Comm. Bangalore.

H.H.'s records —
" Dy Comrs of other Dists
" Revenue
" Inam Supdt
" Officer in charge Palace Affairs.
" Secty to Govt Genl & Law Depts

Typed
copy